

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

Devorah Lunger, on behalf of herself  
and all other similarly situated persons,

11-CV-7552 (DLC)

Plaintiffs,

**PLAINTIFF'S AFFIDAVIT  
IN OPPOSITION TO  
DEFENDANT'S MOTION  
TO DISMISS**

v.

Union of Orthodox Jewish Congregations  
Of America (Orthodox Union)/NCSY,

Defendant.

-----X

Devorah Lunger declares the following to be true under the penalty of perjury:

1. I am the Plaintiff and am submitting this declaration in opposition to Defendant's Motion to Dismiss the Complaint. This declaration is based on my personal knowledge.
2. Defendant Orthodox Union provides many different kinds of services through its different divisions. These services vary; some are religious, others are geared towards youth, some involve social action or public policy, while others are educational or involve community development. The overarching goal of much of this programming is to engage Jews in Jewish culture and community.

3. I worked in Defendant's NCSY division since 2002, in a Chapter Advisor/Chapter Director position. NCSY is the international youth movement of the OU.


4. In this position, my tasks included: planning and executing different social or cultural events, educating teens about and engaging them in Jewish culture, teaching classes, meeting with teens on an individual basis, preparing for and hosting explanatory holiday meals, and chaperoning students on educational and cultural trips (such as to Israel) or weekend retreats.

5. Although I have a degree from a religious seminary for having completed a course of religious study, I am not ordained or certified as a rabbi, and the OU has not recognized me as a religious leader in my capacity as a Chapter Advisor/Chapter Director. Some Chapter Advisors/Chapter Directors do not have as much religious training/background as I do; others have more. It is not required for the position.

WHEREFORE, I request that Defendant's Motion to Dismiss be denied and that this case proceed. Alternatively, if the court should be inclined to go further with its consideration of Defendant's motion, then I request that discovery be allowed on the subjects of whether the division in which I worked was the equivalent of a religious institution and whether my functions and duties fit within

the ministerial exemption.

Dated: January 31, 2012

  
Devorah Langer